

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17 CR 00234 RLW/DDN
)	
HISHAM MUTAN (3),)	
)	
Defendant.)	

SENTENCING MEMORANDUM

Before the Court for sentencing is Hisham Mutan, a forty-six-year-old man, a father of four children and a brother to nine siblings. Mr. Mutan is a naturalized American citizen with no prior criminal history. Mr. Mutan has pled guilty to a single count of conspiracy to distribute contraband cigarettes pursuant to a written plea agreement.

Hisham Mutan came to this country in 1995 at the age of sixteen years. His father, Ali Mutan, had been killed in April of 1993 and Hisham Mutan left the Occupied West Bank of Israel so that he could assist his now single mother in providing for his family. Hisham Mutan immediately went to work for his brother, Luay Mutan, in a store that he owned in East St. Louis, Illinois. Tragically, Luay Mutan was murdered in a robbery in 2007. Mr. Mutan has assumed the position of patriarch in his family which provides for his mother, all of his siblings and their families as well as more than forty employees at the various businesses owned by the Mutan family.

After the murder of his brother in 2007, Mr. Mutan along with his brothers consolidated their efforts in the development of the family businesses. Despite having

only a sixth grade education, Mr. Mutan and his brothers own a number of businesses in the City of St. Louis and in St. Louis County that are valuable parts of the communities that they serve. The stores that they operate are not convenience stores but are actually grocery stores which provide fresh fruit and vegetables, fresh meat and other grocery items. These stores serve communities that are otherwise in a “food desert” and would not have easy access to these items.

The financial success of their businesses has depended upon the remarkable work ethic of the Mutan family. It is not at all unusual for Mr. Mutan and his brothers to work eighteen hours a day, seven days a week, fifty-two weeks in a year. Their stores are open in many instances twenty-four hours a day and three hundred and sixty-five days a year. It is a remarkable testament to their work ethic and their success is hard earned and well deserved.

Mr. Mutan and his brothers support not just their own families but the families of all of their siblings including their mother. In addition, the businesses support more than forty employees who depend upon the brothers for their financial needs.

Mr. Mutan and his brothers have engaged in a number of charitable activities designed to help and assist people with special needs in the communities that they serve. The scope of their charitable efforts of Mr. Mutan and their family can be found in the letter of Reverend Elston K. McCowan. This includes money willingly given for educational purposes, medical needs and family tragedies of those in the communities they serve.

The family structure of the Mutan family goes a long way in explaining the business structure. The brothers have identified very specific roles that each performs

well. The success of the business enterprises is demonstrated in the financial statements of each of the brothers. Each relies upon the other and they trust each other without reservation or hesitation.

In dividing up the family businesses, each of the brothers serves a critical role. The absence of any one brother would jeopardize the continued business success of their enterprises. The loss of these businesses would impact the Mutan family, all of their employees and the communities that are served by these businesses.

In considering an appropriate disposition, it is right to consider that neither Mr. Mutan nor his brothers have had any problems with the pre-trial release conditions despite the more than five years this case has been pending. The delays have been outside the control of the brothers and should be considered in the ultimate sentence.

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2022, the foregoing **Sentencing Memorandum** was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Neil J. Bruntrager